

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 DONNAIL A. PATTERSON,

Case No. 2:24-cv-02332-CDS-MDC

4 Plaintiff

ORDER

5 v.

6 STATE OF NEVADA,

7 Defendant

8

9 On December 13, 2024, pro se plaintiff Donnail A. Patterson, an inmate in the
10 custody of the Clark County Detention Center, filed an application to proceed *in forma*
11 *pauperis* and an affidavit. (ECF Nos. 1, 1-1). There are a couple of errors with Plaintiff's
12 filing. First, Plaintiff did not pay the full \$405 filing fee for this matter or file a complete
13 application to proceed *in forma pauperis*. (See ECF No. 1). Plaintiff's application is
14 incomplete because he did not submit a complete financial certificate and a jail trust fund
15 account statement for the previous six-month period. Second, Plaintiff did not submit a
16 complaint.

17 **I. DISCUSSION**

18 **A. Filing Fee**

19 The United States District Court for the District of Nevada must collect filing fees
20 from parties initiating civil actions. 28 U.S.C. § 1914(a). As of December 1, 2023, the fee
21 for filing a civil-rights action is \$405, which includes the \$350 filing fee and the \$55
22 administrative fee. See 28 U.S.C. § 1914(b). "Any person who is unable to prepay the
23 fees in a civil case may apply to the court for leave to proceed *in forma pauperis*." Nev.
24 Loc. R. Prac. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate
25 must submit **all three** of the following documents to the Court: (1) a completed
26 **Application to Proceed *in Forma Pauperis* for Inmate**, which is pages 1–3 of the
27 Court's approved form, that is properly signed by the inmate twice on page 3; (2) a
28 completed **Financial Certificate**, which is page 4 of the Court's approved form, that is

properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. R. Prac. LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her obligation to pay the filing fee, it just means that the inmate can pay the fee in installments. See 28 U.S.C. § 1915(b).

6 **B. Complaint Form**

7 Under the local rules, a pro se plaintiff must file a civil rights complaint on the form
8 provided by this Court or it must be legible and contain substantially all the information
9 called for by the Court's form. See Nev. Loc. R. Prac. LSR 2-1. Plaintiff must file a
10 complaint.

11 **II. CONCLUSION**

12 It is therefore ordered that Plaintiff's application to proceed *in forma pauperis* (ECF
13 No. 1) is denied as incomplete.

14 It is further ordered that Plaintiff has **until January 17, 2025**, to accomplish the
15 following two items:

- 16 1) File a complaint using the correct form for federal court.
- 17 2) Either pay the full \$405 filing fee or file a fully complete application to
18 proceed *in forma pauperis* with all three of the following required documents:
 - 19 (i) a completed application with the inmate's two signatures on page 3,
 - 20 (ii) a completed financial certificate that is signed both by the inmate and
21 the prison or jail official, and
 - 22 (iii) a copy of the inmate's trust fund account statement for the previous six-
23 month period.

24 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
25 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff
26 to refile the case with the Court, under a new case number, when Plaintiff can file a
27 complete application to proceed *in forma pauperis* or pay the required filing fee.

1 The Clerk of the Court is directed to send Plaintiff: (1) this Court's approved 42
2 U.S.C. § 1983 complaint form with instructions, and (2) this Court's approved form
3 application to proceed *in forma pauperis* for an inmate with instructions.

4
5 DATED: December 20, 2024

6
7 
8 UNITED STATES MAGISTRATE JUDGE

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28